



Agenda Date: 9/17/18
Agenda Item: 8C

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE PETITION OF NAUTILUS)	ORDER DESIGNATING A
OFFSHORE WIND, LLC FOR THE APPROVAL OF THE)	COMMISSIONER, SETTING
STATE WATERS WIND PROJECT AND AUTHORIZING)	A BAR DATE AND MANNER
OFFSHORE WIND RENEWABLE ENERGY)	OF SERVICE
CERTIFICATES)	
)	DOCKET NO. QO18080843

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Stephen B. Pearlman, Esq., Nautilus Offshore Wind, LLC

BY THE BOARD:

BACKGROUND AND PROCEDURAL HISTORY

On August 19, 2010, Governor Chris Christie signed into law the Offshore Wind Economic Development Act ("The Act" or "OWEDA"), codified at N.J.S.A. 48:3-87.1 and 48:3-87.2. This Act set forth the basic understanding of the State's offshore wind policy, and authorized the application of a 25MW facility off the coast of Atlantic City.

On January 31, 2018, Governor Phil Murphy issued Executive Order 8, directing the State and its entities to take the steps necessary to implement OWEDA. On May 23, 2018, Governor Murphy signed P.L. 2018, c. 17 into law, requiring the New Jersey Board of Public Utilities ("Board") to establish an Offshore Renewable Energy Credit ("OREC") program of no less than 3,500 MW. Then, on May 30, 2018, Governor Murphy also signed S1217 into law (P.L. 2018, c. 21), amending N.J.S.A. 48:3-87.2, and requiring the Board to accept an application for a small scale qualified wind energy project. The Board must also make a final determination on such application within ninety (90) days of the date that a complete application is filed with the Board.

Nautilus Filing

On August 1, 2018, Nautilus Offshore Wind, LLC ("Nautilus") filed a petition, pursuant to N.J.S.A. 48:3-87.2, seeking approval of a proposed offshore wind facility 2.8 miles off the coast of Atlantic City ("Petition"). Nautilus seeks to have the facility found to be a qualified offshore wind facility and thus eligible for ORECs for a period of twenty (20) years. Nautilus also

requests approval by the Board in November to facilitate construction and other elements of the project. Nautilus claims that this project is in full compliance with all statutory and regulatory requirements, is fully permitted, and is ready to begin construction upon the Board's approval.

In addition to the basic approval of the offshore wind facility, Nautilus also seeks, although not expressly requested, the transfer of the project from Nautilus to EDF Renewables, Inc. ("EDFR") as part of this review.

DISCUSSION

The Board has determined that the Petition described above should be retained by the Board for hearing and, pursuant to N.J.S.A. 48:2-32, **HEREBY DESIGNATES** President Fiordaliso as the presiding officer. President Fiordaliso is **HEREBY AUTHORIZED** to control the conduct of this proceeding, to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

Further, the Board **HEREBY DIRECTS** that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by September 26, 2018. Any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently with any motion to intervene or participate.

To further enable the Board to effectively and efficiently carry out its mandate and to allow development of a complete record, the Board **HEREBY AUTHORIZES** President Fiordaliso to set and enforce a schedule for this matter. To that end, the following schedule shall control in this matter, subject to the ability of the Presiding Officer to modify the schedule in the needs of the case and the interest of justice.

Initial Discovery	September 7, 2018
Rolling Discovery	Ongoing basis ¹
Responses to Initial Discovery	September 14, 2018
Settlement Conference	September 20, 2018 at 10 a.m.
Deadline for Motions to Intervene	September 24, 2018
Testimony	October 2, 2018
Settlement Conference	October 5, 2018 at 10 am.
Discovery on Testimony	October 5, 2018
Responses to Discovery	October 9, 2018
Evidentiary Hearings	October 11 & October 12, 2018 New Jersey Board of Public Utilities Multi-Purpose Room, First Floor 44 South Clinton Ave., Trenton, New Jersey
Initial Briefs	October 19, 2018
Settlement Conference	October 24, 2018 at 10 am.
Reply Briefs	October 24, 2018
Possible Board Decision	October 29, 2018

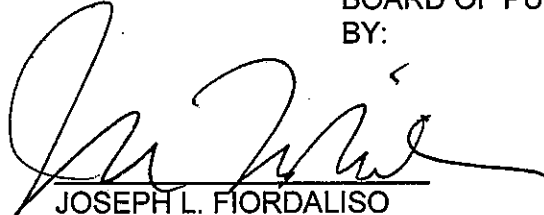
¹ Responses to rolling discovery due five (5) days after service.

In the interest of economy, all parties are **HEREBY DIRECTED** to serve all documents electronically, while still providing hard copies to the Board for those documents which must be filed with the Board, and also providing two (2) hard copies to each party, unless otherwise requested by the parties. Finally, the Board **HEREBY DIRECTS** Staff to post this Order on the Board's website.

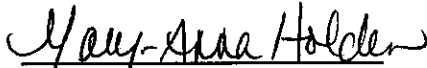
The effective date of this Order is September 27, 2018.

DATED: 9/17/18

BOARD OF PUBLIC UTILITIES
BY:



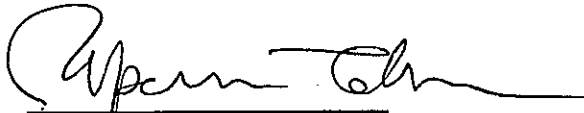
JOSEPH L. FIORDALISO
PRESIDENT




MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities.

**IN THE MATTER OF THE PETITION OF NAUTILUS OFFSHORE WIND, LLC FOR THE
APPROVAL OF THE STATE WATERS WIND PROJECT AND AUTHORIZING OFFSHORE
WIND RENEWABLE ENERGY CERTIFICATES**

BPU DOCKET NO. QO18080843

SERVICE LIST

BPU

Aida Camacho-Welch
Secretary of the Board
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
board.secretary@bpu.nj.gov

Paul Flanagan, Esq.
Executive Director
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
paul.flanagan@bpu.nj.gov

Grace Strom Power, Esq.
Chief of Staff
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
grace.power@bpu.nj.gov

Noreen M. Giblin, Esq.
Chief Counsel
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
noreen.giblin@bpu.nj.gov

Andrea Hart, Esq.
Legal Specialist
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
andrea.hart@bpu.nj.gov

Nautilus Offshore Wind

Chris Wissemann
Managing Director
985 Ocean Drive
Cape May, NJ 08204
chris.wissemann@fishermansenergy.com

Stephen Pearlman, Esq.
Pearlman & Miranda, LLC
2 Broad Street
Suite 510
Bloomfield, NJ 07003
spearlman@pearlmanmiranda.com

Doug Copeland
EDF Renewables, Inc.
15445 Innovation Drive
San Diego, CA 92128
Doug.copeland@edf-re.com

Adam Peterson, Esq.
Pearlman & Miranda, LLC
2 Broad Street
Suite 510
Bloomfield, NJ 07003
APeterson@pearlmanmiranda.com

David Dismukes, Ph.D
Acadia Consulting Group
5800 One Perkins Place Drive
Suite 5-F
Baton Rouge, LA 70808
daviddismukes@acadianconsulting.com

Elizabeth Oleks
Acadia Consulting Group
5800 One Perkins Place Drive
Suite 5-F
Baton Rouge, LA 70808
betholeks@acadianconsulting.com

Ken Sheehan, Esq.
Director, Division of Clean Energy
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Ken.Sheehan@bpu.nj.gov

James Boyd, Esq.
Administrative Practice Officer
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
James.Boyd@bpu.nj.gov

Anne Marie McShea
Offshore Wind Program Administrator
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Anne.McShea@bpu.nj.gov

Bethany Rocque Romaine
Deputy Chief Counsel
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Bethany.romaine@bpu.nj.gov

Suzanne Patnaude
Legal Specialist
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Suzanne.Patnaude@bpu.nj.gov

Ben Witherell, Chief Economist
Office of the Economist
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Benjamin.Witherell@bpu.nj.gov

Paul Gallagher
Fisherman's Energy
985 Ocean Drive
Cape May, NJ 08204
Paul.gallagher@fishermansenergy.com

Isaac Gabel-Frank, Vice President
Gabel Associates
417 Denison Street
Highland Park, NJ 08904
Isaac@gabelassociates.com

Steven Gabel, President
Gabel Associates
417 Denison Street
Highland Park, NJ 08904
steven@gabelassociates.com

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
sbrand@rpa.nj.gov

Felicia Thomas-Friel, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
ftthomas@rpa.nj.gov

Brian O. Lipman, Esq.
Litigation Manager
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
blipman@rpa.nj.gov

Henry Ogden, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
hogden@rpa.nj.gov

Jackie O'Grady
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Jackie.OGrady@bpu.nj.gov

Shelly Massey, Paralegal
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
smassey@rpa.nj.gov

Caroline Vachier, Esq.
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
caroline.vachier@law.njoag.gov

Jason Anderson, Paralegal
Deputy Attorney General
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029

Geoffrey Gersten, Esq.
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Geoffrey.Gersten@law.njoag.gov

Emma Yao Xiao, Esq.
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Emma.Xiao@law.njoag.gov

Eric Boden, Esq.
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Eric.boden@law.njoag.gov

Renee Greenberg
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Renee.greenberg@law.njoag.gov